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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

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THE PEOPLE,

Plaintiff and Respondent,

v.

JUSTIS MICHAEL GALLAGHER,

Defendant and Appellant.

C091002

(Super. Ct. Nos. 18CF02493,  
18CF07133, & 19CF03390)

Appointed counsel for defendant Justis Michael Gallagher has filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) Finding no arguable error that would result in a disposition more favorable to defendant, we affirm the judgment.

BACKGROUND

On September 12, 2018, defendant pleaded guilty to possession of a controlled substance, Xanax (Health & Saf. Code, § 11375, subd. (b)(1)). On March 20, 2019, he

pleaded guilty in another case to residential burglary (Pen. Code, § 459).<sup>1</sup> On May 30, 2019, defendant was charged in a third case with assault by means of force likely to produce great bodily injury (§ 245, subd. (a)(4)). It was also alleged in this case defendant had a prior strike (§§ 667, 1170.12). In a global plea agreement, defendant pleaded no contest to assault likely to cause great bodily injury and settled all three cases.

The trial court sentenced defendant to six years for burglary and one year for assault for a total term of seven years. The court also imposed three years concurrent for possession of a controlled substance.

Defendant timely appealed in all three cases. The trial court denied defendant's request for a certificate of probable cause.

#### DISCUSSION

Appointed counsel filed an opening brief that sets forth the facts and procedural history of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

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<sup>1</sup> Undesignated statutory references are to the Penal Code.

DISPOSITION

The judgment is affirmed.

/s/  
HOCH, J.

We concur:

/s/  
ROBIE, Acting P. J.

/s/  
MURRAY, J.